

02-226
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

CIV-HUCK
MAGISTRATE JUDGE
TURNOFF

UNITED STATES OF AMERICA,

Plaintiff,

v.

ONE 1999 F-550 FORD TRUCK
VIN: 1FTWW32F3XEA81469 and ALL
ITS EQUIPMENT AND ACCESSORIES,

Defendant.

COMPLAINT FOR FORFEITURE

Plaintiff, the United States of America, files this complaint for forfeiture in rem and states:

1. This is a civil action for forfeiture in rem of One F-550 Ford Truck, VIN: 1FTWW32F3XEA81469 and all its equipment and accessories (hereinafter "defendant vehicle").

Jurisdiction is vested in this Court pursuant to 28 U.S.C. §§ 1331 and 1335.

2. Venue lies in this district pursuant to 28 U.S.C. §1395, in that the defendant vehicle is located within the Southern District of Florida and will remain within the district during the pendency of these proceedings.

3. The United States seeks forfeiture of the defendant vehicle pursuant to 19 U.S.C. § 1595a and 21 U.S.C. § 881(a)(4) on grounds that the defendant vehicle is property which is used or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession or concealment of a controlled substance.

STATEMENT OF PROBABLE CAUSE

4. On April 18, 2002, agents from the United States Coast Guard and Customs seized 101 pounds of cocaine which was concealed in the aft compartment of a Bayliner boat which was traveling from Bimini in the Bahamas to Miami.

5. The boat was seized and the two crew members, Jose Longo and Ricky Dotson were arrested and subsequently indicted for their involvement in the conspiracy to import the cocaine.

6. Jose Longo ("Longo") told the agent that Randy Taylor was waiting for him at the marina with a blue Ford truck to accept delivery of the cocaine. Longo had in his possession a Florida motor vehicle registration certificate for the trailer which was hitched to the defendant vehicle at the marina on April 18, 2002..

7. Based on that information, Customs agents went to the marina and saw Randy Taylor sitting in the defendant vehicle. The trailer was hitched to the back of the pickup.

8. On or about May 6, 2002, the defendant vehicle was seized from Randy Taylor's residence for its involvement in the violation of 21 U.S.C. § 841 *et seq.*, which occurred on April 18, 2002.

9. Randy Taylor told Customs agents that the only thing the defendant vehicle was guilty of was being with Taylor at the Marina to pick up Jose Longo.

10. On or about May 16, 2002, Randy Taylor was indicted for his involvement in the conspiracy to import the cocaine seized on April 18, 2002 in violation of 21 U.S.C. § 841 *et seq.*

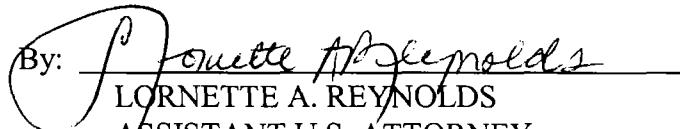
11. By reason of the foregoing, the defendant vehicle is forfeit to the United States pursuant to 19 U.S.C. § 1595a (a) and 21 U.S.C. §§ 881 (a)(4) in that the defendant vehicle is a conveyance which was used, or intended for use to transport, or in any manner to facilitate the

transportation, sale, receipt, possession or concealment of cocaine in violation of 21 U.S.C. § 841 et seq.,

WHEREFORE, Plaintiff, United States of America requests the Court to declare the defendant vehicle condemned and forfeit to the United States of America, and further requests the Court to direct any and all persons having any claim to the vehicle to file and serve their verified claims and answers as required by Rule C (6) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Title 18 United States Code, Section 983 (a)(4)(A) and (B), or suffer default thereof, to declare the defendant property condemned and forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981 (a)(1), for disposition according to law; and to grant the United States such other further relief as the Court deems just and proper, together with costs and disbursements of this action.

Respectfully submitted,

MARCOS DANIEL JIMINEZ
UNITED STATES ATTORNEY

By: 
LORNETTE A. REYNOLDS
ASSISTANT U.S. ATTORNEY
Fla. Bar No. 035955
99 N.E. 4th Street
Seventh Floor
Miami, Florida 33132
Tel: (305) 961-9294
Fax: (305) 536-7599

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury, that I have read the foregoing Complaint for Forfeiture In Rem and that the contents are true to the best of my knowledge and belief.

Executed on 9/30, 2002.

Christopher Ciccione
CHRISTOPHER CICCIONE
SPECIAL AGENT, CUSTOMS

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1977, is to be used for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

DEFENDANTS

ONE 1999 F-550 FORD TRUCK VIN# 1FTWW32F3XA81469
and ALL ITS EQUIPMENT AND ACCESSORIES,

MAGISTRATE JUDGE

TURNOFF

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF

DADE

(EXCEPT IN U.S. PLAINTIFF CASES)

Dade 02cv22904/HUCK/Turnoff

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

LORNETTE A. REYNOLDS, AUSA
99 NE 4TH STREET, 7th Floor
(305) 961-9294

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

TURNOFF

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)

(d) CIRCLE COUNTY WHERE ACTION AROSE: DADE MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE, HIGHLANDS

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

1 U.S. Government Plaintiff
 2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR

(For Diversity Cases Only) PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PTF	DEF	PTF	DEF	
Citizen of This State	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input checked="" type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

VI. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)

6 Multidistrict Litigation
 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

A CONTRACT	A TORTS	FORFEITURE/PENALTY	A BANKRUPTCY	A OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 630 Liquor Laws		<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine Product Liability	<input type="checkbox"/> 640 R.R. & Truck		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 650 Airline Regs.		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 660 Occupational Safety/Health		<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 690 Other		<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 190 Other Contract				<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 892 Economic Stabilization Act
A REAL PROPERTY	A CIVIL RIGHTS	PRISONER PETITIONS	A LABOR	B SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 520 HABEAS CORPUS:	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 863 DIWC/DIWV (405(g))
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Other Civil Rights	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	
		<input type="checkbox"/> 555 Prison Condition		
FEDERAL TAX SUITS				
<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)			<input type="checkbox"/> 871 IRS - Third Party	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
			26 USC 7609	<input type="checkbox"/> 950 Constitutionality of State Statutes
				<input type="checkbox"/> 890 Other Statutory Actions
				A.C.R.B.

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE.
DO NOT CITE JURISDICTIONAL UNLESS DIVERSITY.)LENGTH OF TRIAL
via 3 days estimated (for both sides to try entire case)

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: YES NOVIII. RELATED CASE(S) (See instructions):
IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

LORNETTE A. REYNOLDS, AUSA

9-30-2002

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE